

CRYSTAL PLANNING COMMISSION MINUTES

Tuesday, November 12, 2013 at 7:00 p.m.

Council Chambers, Crystal City Hall

A. CALL TO ORDER

The regular meeting of the Crystal Planning Commission convened at 7:00 p.m. with the following members present:

X Commissioner (Ward 1) Sears [Vice Chair]	X Commissioner (Ward 2) Kolb	X Commissioner (Ward 4) Richter
X Commissioner (Ward 1) Heigel	X Commissioner (Ward 3) VonRueden [Chair]	X Commissioner (Ward 4) Johnson
X Commissioner (Ward 2) Erickson (7:02 p.m.)	X Commissioner (Ward 3) Buck [Secretary]	X Commissioner (At- Large) Strand

Also attending were staff members John Sutter and Gail Van Krevelen and Council Liaison Casey Peak.

B. APPROVAL OF MINUTES

Moved by Commissioner Sears and seconded by Commissioner Buck to approve the minutes of the October 14, 2013 regular meeting with no exceptions.

Motion carried.

C. PUBLIC HEARINGS

1. Consider Application 2013-13 for a Conditional Use Permit to allow an 8 foot fence at 7200 56th Avenue North (MD Liquors)*

Staff presented the following:

Mr. Sutter stated that the subject property is zoned C-1, Neighborhood Commercial. The property owner wants to install a fence along most of the west and north lot lines. The fence will start 30' back from the lot lines along the streets, provide better screening, and the light levels will not exceed the ordinance at the lot line. Mr. Sutter also said that requiring the nice side of the fence to face out should be part of the approval process, as it is the standard practice in fence construction.

The following were heard:

Gary Yanish, 17400 12th Ave N, Plymouth, MN 55447, spoke before the commission. He and his son own the properties located at 5600 & 5608 Nevada Ave N. He questioned whether the property owner was going to use the metal posts currently on the site and whether the fence would be one-sided or two-sided. Mr. Sutter stated that he was surprised the posts weren't down yet and that can be added as a condition. Mr. Yanish asked if the owner was aware that the city would require the good side of the fence to be towards the neighbors. Mr. Sutter said that the owner had been sent the staff reports and had not indicated a problem with it. Mr. Yanish also asked when the fence was going to be built. Mr. Sutter stated that it would go to the council for approval on Tuesday, November 19, and presumably he would start it the next day if he wishes to.

Planning Commission discussion:

Commissioner Kolb asked why there would be a 30' setback required from the lot lines along streets. Mr. Sutter responded that it's for both safety and aesthetic reasons. It's so there isn't a structure sticking out by houses, it would look like a wall and be out of place. Also, it would block visibility from neighboring properties and cause security and safety concerns.

Moved by Commissioner Buck and seconded by Commissioner Kolb to recommend approval of Application 2013-13 for a Conditional Use Permit to allow an 8 foot fence at 7200 56th Avenue North (MD Liquors) subject to the findings of fact and with the following conditions: the old fence posts must be removed or covered and the good side of the new fence faces the neighbors.

Motion carried.

2. Consider Application 2013-14 to amend City Code Section 405 to allow multicolor electronic signs

Staff presented the following:

Mr. Sutter said that this change was requested by the same property owner as the fence, but it's not specific to the subject property, it's a change to the code for the entire city. Currently Crystal does not allow electronic signs of more than one color. Mr. Sutter also mentioned that the stated purpose was to avoid putting paper banners in the window, but even if the sign is approved, this would not prevent the property owner from also using paper banners inside the building.

Staff looked at what adjacent cities to Crystal allowed. Other cities do allow multicolor signs; Crystal is unique in not allowing them however there are other areas where Crystal is less restrictive.

Staff is recommending allowing electronic signs but requiring the duration be a minimum of 2 minute image length so it's not a distraction to motorists.

LED signs are much brighter to grab attention, and there are valid traffic safety reasons to treat them differently than the single color signs. There are currently no brightness limits because the single color signs are not that bright. LED's can be programmed to be like a giant TV, and staff would recommend these signs have the same maximum light level standard for electronic signs as parking lot lights in terms of limiting it any residential property line and the center line of any adjacent street. Mr. Sutter recommended prohibiting animation, the same as the surrounding cities, for traffic safety reasons.

The following were heard:

Nobody was heard.

Planning Commission discussion:

Commission Heigel said he noticed no setbacks were required. Mr. Sutter stated that the normal setbacks on height will apply and no part of sign can be within 10' of any lot line or more than 25' high. Commissioner Heigel also stated he likes New Hope's code requiring 30' from residential buildings and we have none. We have residential properties bordering on 2 sides where it is proposed to be located on the property and he wondered if it may cause interference to residents.

Mr. Sutter stated the sign is limited by light levels at the lot line. He also said that this was not included because in most cases any residential use, because of the setbacks for that building, is going to be well more than 30' anyway. He doesn't think there would be any real harm to put setbacks in, but he thought it wouldn't come up very often.

Commissioner Heigel questioned why it needs to be 50 square feet. He brought up an example of signage by Hwy 100 and Normandale Blvd and that it creates a safety hazard because drivers are watching the sign.

Mr. Sutter stated that the 50 square feet is small enough, it's a maximum size and can't be bigger than that. We no longer allow off-premises signs. The billboards currently in Crystal are grandfathered in. In some cities, the concern is with the billboards. He said that would not happen with multicolor signs, the 50 square feet requirement keeps it at scale. The current code for single color signs is also 50 square feet. He also said the signs are usually located out closer to the road.

Commissioner Kolb commented that one of the things that drive him crazy is unnecessary regulation. He questioned if the decision to prohibit animation was being based on a study and said things spread from city to city, and it's not necessarily based on fact. Mr. Sutter replied that there is no study he could cite,

but that it's common sense, you can program these new signs as giant TV's, and that any type of moving image is a bad idea.

Commissioner Strand said she's not sure if it's a study, but one of the news channels had a segment on billboards and what a distraction they were.

Commissioner Sears stated that the light on those signs are very different, it's very piercing. It's a different kind of intensity, and he feels there should be more of a comparison between types of lights for signs, and he would push for no more than 50 square feet and images with a longer duration.

Commissioner Kolb said he feels the opposite on duration and would like less regulation instead of more.

Mr. Sutter said the light levels in terms of intensity would have the same limit as parking lot lights and where these are different is in the changing message. He also mentioned that when this was first looked at, there was some staff discussion that if it was adjacent to residential properties maybe it should be a conditional use, but that adds additional fees, delays and requires a public hearing. It might be a good idea to have a conditional use permit process so the neighbors who will be affected have a chance to provide input, but these rules were set up so they would not have to go through this process and no matter where the sign is located, the light level and image changing could be tolerable.

Mr. Sutter also stated that none of the other cities require special approval except for certain instances in Brooklyn Center. He also said if the commissioners have more questions or are not comfortable making this decision without more information to not feel they have to act tonight.

Commissioner VonRueden questioned how to judge the brightness of the sign and whether there are any around that meets these standards to look at. Mr. Sutter said that across the road is a dental office with a bright LED sign that has a fair amount of animation. He said the commissioners would be able to see what it looks like in terms of brightness and animation, and that the signs are very common in a number of suburbs in the commercial areas.

Commissioner Sears questioned the size of the sign at the dental office. Mr. Sutter said he wasn't sure about the size of the sign, but that what he noticed is the brightness, it's a very different type of sign from what has been allowed in Crystal. He also said if commissioners wished to check out signs in other suburbs, Brooklyn Park is an obvious choice.

Commissioner VonRueden commented that New Hope is the only suburb with brightness the same as ours. Mr. Sutter said that if the commissioners would like, he can check the specs with New Hope.

Commissioner Heigel asked whether any other businesses had expressed interest in these signs. Mr. Sutter said it usually comes up once or twice a year.

Commissioner Erickson said that looking at the number of commercial properties, she wondered how many businesses that may put up these types of signs butt up to residential properties. Mr. Sutter said that's going to come up at the edges of neighborhoods, and mentioned Herzing University has one and Thriftway had one previously, although those were single color.

Commissioner Erickson also said wondered how much illumination went into the surrounding properties. Mr. Sutter said that if someone buys a house near a commercial property there has to be some expectation of impact. On the other hand, changing the ordinance to allow this new technology which is much brighter, also has to be part of the consideration.

Commissioner Kolb stated that in any case, the amount of light with the new signage is equal to the amount allowed for parking lot lighting today so there really is no impact. He also mentioned that the new signage is aesthetically pleasing.

Commissioner VonRueden commented that parking lot lights are directed down, not pointed at residents.

Mr. Sutter said that these signs are usually angled down the street.

Commissioner Sears said that parking lot lights are 8" square and this would be a 50' sign so there's a difference, it's more intense. Mr. Sutter said that is correct but that a commercial parking lot would likely have multiple lights. Commissioner Sears said that they would be spread out and they're absorbed, this is a high intensity square area of light. It's a 50 foot square lightbulb.

Commissioner Richter asked how tall the signs can be. Mr. Sutter said 25' for freestanding signs measured from the center line of the adjacent street and stated that typically the logo is up higher with the reader in the middle.

Commissioner Johnson asked if they were limited to one electronic sign per property. After some discussion it was determined that they were limited to one per property.

Commissioner Heigel stated that he wants to have a CUP process and adopting code to accommodate the things brought up tonight like lighting intensity and height. He said that he feels these things need to be included.

Commissioner VonRueden said that this is nothing more than what is already allowed; this is just an option for color.

Commissioner Erickson asked if we knew where the 7200 56th property owner plans to put the sign. Mr. Sutter said no, they have not submitted a permit application for that but there is a 10' setback from any lot.

Commissioner Strand commented that the property owner can put the sign up right now, he's just asking for color.

Commissioner Erickson said she's not necessarily opposed to it but there could be a lot of unique situations and doesn't feel comfortable with a blanket approval.

Commissioner Kolb questioned what the permit process was and thought it would take care of some basic concerns. Mr. Sutter said it needs to meet the requirements of the ordinance, if so, staff must issue the permit regardless of neighborhood comment.

Commissioner Kolb said that since staff reviewed prior to presenting it to the commission, he's assuming there is no risk based on current process. Mr. Sutter said his first thought was it should be a conditional use but no surrounding cities require that and they also have commercial and residential areas that are adjacent. He added that Crystal is unique in that it's overwhelmingly single family, owner occupied residential properties and there is a case that could be made that there's more potential for problems, and it isn't that it would be a bad idea to require a CUP if there are residential properties nearby, it's just that no other cities required that. Mr. Sutter said he felt this would be a starting point for discussion for the commissioners.

Commissioner Richter said that he never noticed the dental office sign and he doesn't know that he sees a big run on multicolor signs. He felt that if they would had wanted a sign they would have one already, and he doesn't have a problem amending the code.

Commissioner Strand stated that we have no limitation on brightness and this would be adding some limitations with the color and she has no problem with it either.

Commissioner Sears said that these signs are sending an image through the airwaves. In old road signs, the light shines on the sign, with these, the sign is a light shining out of a sign, that's the difference.

Mr. Sutter said that New Hope does have light limitation at one foot from the sign face, no more than 500 lumens per square meter. He said he can go further afield and look at other suburbs to see if they have other limitations. There's no harm to put more time into it if the commission wants more information.

Commissioner Sears said that the property owner who requested the fence, the building light intensity is just as bright at 10' as our ordinance says not to be the light intensity to exceed at street center line. He said to look at the intensity of one of the lights and see how bright it is.

Moved by Commissioner Kolb and seconded by Commissioner Buck to recommend approval of Application 2013-14 to amend City Code Section 405 to allow multicolor electronic signs. Voting nay: Sears, Heigel and Erickson and voting aye: Kolb, VonRueden, Buck, Richter, Johnson and Strand.

Motion carried 6 – 3.

D. OLD BUSINESS

1. Update on Metropolitan Council's preliminary 2040 forecasts

Mr. Sutter said that the workshop was good, he felt the tech was told what to do from higher-ups, but agreed with the questions raised by Crystal and other cities. Crystal was not the only city who felt the numbers in the forecast were ridiculous.

The city will be sending a letter to the Metropolitan Council and he felt that it might be a good idea for the Planning Commission chair to sign it also.

Commissioner VonRueden stated he had no problem signing the letter. He also said that this was a long way off; there is a lot of time for things to change. Mr. Sutter said that their forecasts are aspirations.

Commissioner Richter questioned if they ever explained how they came about these numbers. Mr. Sutter said not in general, he had questioned how the supply side of the model already accounts for something already there, and they said it doesn't.

E. GENERAL INFORMATION

1. Staff preview of likely agenda items for Monday, December 9 meeting

Mr. Sutter said there could possibly be a variance request to add on to an existing house. He also said there was nothing on the Gaulke property yet.

F. OPEN FORUM

None were heard.

G. ADJOURNMENT

Moved by Commissioner Sears and seconded by Commissioner Erickson to adjourn.

Motion carried.

The meeting adjourned at 8:10 p.m.